IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 14923 of 2005

Between:

B.Adinarayana, S/o.B.Nanjundaiah,
R/o.Badvel, Kadapa District.

..... PETITIONER

AND

1. The District Collector, Kadapa.
2. The Superintendent Engineer R&B Kadapa.
3. The Executive Engineer R&B, Kadapa.
4. The Deputy Engineer, R&B Badvel, Kadapa District.
5. The Mandal Revenue officer, Badvel, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of Mandamus, declaring the action of the respondents in trying to evict the petitioner and proceeding to demolish the structures in sy.No.533 (old) New Sy.No.533/2 over an extent of Acs.0.02 cents consisting of door Nos.4/132 B& 4/132-1 of Gunthapalli village, Badvel Mandal, Kadapa District without following the due process of law as arbitrary, illegal, unjust, violative of principles of natural justice and in violation of Article 300-A of the Constitution of India and pass

such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT.N.SHOBA

Counsel for the Respondent No.1 AND 5: GP FOR REVENUE

Counsel for the Respondent No.2 TO 4: GP FOR ROADS & BUILEINGS.

The Court made the following :

ORDER:

The father of the petitioner laid hut in Sy. No. 532 of Guntpalli village, Badvel Mandal, and was running a hotel and on his representation the first respondent conducted enquiry and leased out Ac.0.02 cents in Sy. No.533s by order dated 9.3.1973 and the Tahsildar passed necessary orders dated 30.11.1973. The petitioner's father constructed a small house and hotel in once cent and the door Nos. were given as 4/132B and 4/132-1 and he has been paying the taxes. While so, on 8.7.2005, the respondents requested the petitioner to vacate the premises as they are intending to demolish the same for the purpose of road widening. The petitioner contends that no notice was issued to him. Except the said hotel, there is no source of livelihood to him and if the structures are demolished, he would be put to irreparable loss. Therefore, filed the writ petition seeking the above prayer.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and Roads and Buildings.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the

premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to follow the guidelines issued in *Pilli Lakshmana Rao* case, if they intend to demolish the dwelling houses of the petitioners, as averred in the affidavit, if not already demolished.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

July 11, 2005

MAS.

To

1. The District Collector, Kadapa.
2. The Superintendent Engineer R&B Kadapa.
3. The Executive Engineer R&B, Kadapa.
4. The Deputy Engineer, R&B Badvel, Kadapa District.
5. The Mandal Revenue officer, Badvel, Kadapa District.

6. Two CCs each to Govt. Pleader for Revenue and G.P. for Roads

and Buildings, A.P. High Court Building, Hyderabad.

7. 2 CD copies

*Form-NIC-OGS/WP{**JA**}*